

ENTERED

October 04, 2023

Nathan Ochsner, Clerk

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION****PAUL ALEXANDER SERRANO,****Plaintiff,****VS.****JOE BIDEN, President of the United
States of America,****Defendant.**§
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§**CIVIL ACTION NO. 7:22-CV-345****ORDER ADOPTING REPORT AND RECOMMENDATION**

Before the Court is Plaintiff Paul Alexander Serrano's civil rights action, which had been referred to the Magistrate Court for a report and recommendation. On September 18, 2023, the Magistrate Court issued the Report and Recommendation, recommending that Plaintiff's claims be **DISMISSED** pursuant to 28 U.S.C. §§ 1915(e)(2)(B) and 1915A(b) for the failure to state a claim on which relief may be granted.¹ Plaintiff has filed timely objections to the Magistrate Court's Report and Recommendation.²

Pursuant to 28 U.S.C. § 636(b)(1)(c), the Court has made a de novo determination of those portions of the report to which objections have been made. As to those portions to which no objections have been made, in accordance with Federal Rule of Civil Procedure 72(b), the Court has reviewed the report for clear error.³

¹ Dkt. No. 25.

² Dkt. No. 27.

³ As noted by the Fifth Circuit, "[t]he advisory committee's note to Rule 72(b) states that, '[w]hen no timely objection is filed, the [district] court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.'" *Douglas v. United States Servs. Auto. Ass'n*, 79 F.3d 1415, 1420 (5th Cir. 1996) (quoting Fed. R. Civ. P. 72(b) advisory committee's note (1983)) *superseded by statute on other grounds by* 28 U.S.C. § 636(b)(1), *as stated in ACS Recovery Servs., Inc. v. Griffin*, No. 11-40446, 2012 WL 1071216, at *7 n. 5 (5th Cir. April 2, 2012).

Having thus reviewed the record in this case, the parties' filings, and the applicable law, the Court adopts the Report and Recommendation in its entirety. Accordingly, Plaintiff's civil rights action is **DISMISSED** pursuant to 28 U.S.C. §§ 1915(e)(2)(B) and 1915A(b) for the failure to state a claim on which relief may be granted, and this case is **CLOSED**.

IT IS SO ORDERED.

DONE at McAllen, Texas, this 4th day of October 2023.



Micaela Alvarez
Senior United States District Judge